

October 23, 2023

Via ECF

The Honorable Jennifer H. Rearden
United States District Court
Southern District of New York
500 Pearl Street, Room 1010
New York, NY 10007

RE: *Ridinger, et al. v. Stone, et al.*, Case No. 2022-CV-09082-JHR

Dear Judge Rearden,

Plaintiff Loren M. Ridinger, individually and on behalf of the Estate of James Ridinger, and Defendants Ralph K. Stone, Rachel L. Gould, and Meister Seelig & Fein LLP (together, the “Parties”) submit this joint letter and provide the following information as required by the Court’s Notice of Initial Pretrial Conference, entered on October 12, 2023 [D.E. 60]:

1. The names of counsel and current contact information.

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2. A statement of all existing deadlines, due dates, and/or cut-off dates.

There currently are no existing deadlines, due dates, or cut-off dates. The Parties have proposed pretrial deadlines in the accompanying Civil Case Management Plan and Scheduling Order.

3. A description of any discovery that has already taken place and of any discovery that needs to be completed.

Discovery in this case has yet to commence. The Parties will proceed with discovery in accordance with the deadlines set forth in the accompanying Civil Case Management Plan and Scheduling Order and the accompanying Joint Proposed Discovery Plan Pursuant to Federal Rule of Civil Procedure 26(f). Specifically, the Parties state that the following discovery still needs to be completed: (i) service of written discovery demands on the parties; (ii) responses to written discovery demands; (iii) party depositions; (iv) non-party discovery; and (v) expert discovery.

Plaintiff anticipates serving her initial requests for production of documents to each Defendant within the next 14 to 21 days. Plaintiff also anticipates issuing subpoenas to several third-party entities that were involved in the donation of *Utopia II*. Plaintiff anticipates then taking the depositions of the individual Defendants.

Defendants state that they intend to issue subpoenas to non-parties Pat Landry, Price Waterhouse Coopers, Clement Erhardt, Joe Bolyard, Marc Ashley, Ennalls Berl, Milagro Yacht Charters LLC, the Internal Revenue Service, and National Save the Sea Turtle Foundation. Defendants will be requesting that plaintiff provide a written authorization for the release of tax records from the Internal Revenue Service.

4. A brief description of the status of prior settlement discussions, without disclosing exact offers and demands.

The Parties attended a telephonic settlement conference with Magistrate Judge Ona T. Wang on July 26, 2023. The Parties also engaged in informal settlement discussions in July 2023 and again in October 2023. The settlement discussions were unsuccessful and the Parties do not believe they are close to a settlement, but they do intend to continue exploring settlement possibilities as the litigation progresses.

- 5. A statement of whether the parties have discussed employing alternative dispute resolution mechanisms and whether the parties believe that (a) a settlement conference before a Magistrate Judge; (b) participation in the District's Mediation Program; and/or (c) the retention of a private mediator would be productive and, if so, when (e.g., within the next 60 days, after the deposition of the plaintiff is completed, at the close of fact discovery, etc.).**

The Parties engaged in a settlement conference with Magistrate Judge Ona T. Wang on July 26, 2023. Plaintiff believes a private mediation would be beneficial after the Parties have conducted some discovery and further developed their cases. Defendants are not willing to pursue private mediation at this time, but will reconsider that position after discovery.

- 6. An estimate of the length of trial.**

The Parties estimate a 4-5 day trial.

- 7. Any other information that the parties believe may assist the Court in advancing the case, including, but not limited to, a description of any dispositive or novel issue raised by the case.**

The Parties do not have any other information that they believe would assist the Court at this time.

Respectfully submitted,

/s/ Jason L. Mays

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